U.S. Patent No. 6,505,172 - Claim 1

U.S. Patent No. 6,505,172: Claim 1

1. An electronic sourcing system comprising:

(A) a database containing data relating to items associated with at least two vendors maintained so that selected portions of the database may be searched separately;

(B) means for entering product information that at least partially describes at least one desired item;

(C) means for searching for matching items that match the entered product information in the selected portions of the database;

(D) means for generating an order list that includes at least one matching item selected by said means for searching;

(E) means for building a requisition that uses data obtained from said database relating to selected matching items on said order list;

(F) means for processing said requisition to generate purchase orders for said selected matching items.

Claim 1, Element B: Means For Entering Product Information That at Least Partially Describes at Least One Desired Item

Function: entering product information that at least partially describes at least one desired item.

Corresponding structure:	Specification Support:	Text from Patent:
a computer which is programmed with special-purpose software modules to execute an algorithm which includes the step of		
receiving certain fields of entered information, (*e.g.*, catalog number, part number, partial text, etc.) to at least partially describe at least one desired item;	'172 Patent, Col. 6:4-18	The data passed by interface 60 preferably comprise all or a subset of the following twelve fields: vendor name, vendor number, vendor part (catalog) number, product description, bid price, list price, keyword, page number, quantity, unit, catalog text, and catalog images. Because of the amount of data for catalog images present in database 36 and viewed on monitor 22, these data are usually not passed via interface 60. Any of the above-listed fields may be filled by requisition/purchasing system 40 prior to requesting a search of catalog database 36 by search program 50. However, requisition/purchasing system 40 is not required to pass any data to search program 50. If a field is not passed, that field will be filled with spaces. The fields that are filled with data will assist search program 50 in executing its first search against a specific catalog contained in catalog database 36.
	'172 Patent, Col. 7: 43-49	As described herein, however, limited fields on specific items can be transmitted from Requisition Item Table 46 to search program 50, and more completed fields of the same or different items can be received from the search program 50 into a Requisition Item Table 46.

Claim 1, Element B: Means For Entering Product Information That at Least Partially Describes at Least One Desired Item

Corresponding structure:	Specification Support:	Text from Patent:
	'172 Patent, Col. 7:66-Col. 8:31	The user can next enter desired items and quantities for the requisition. Each desired item may be identified by entering its distributor catalog or part number, if known, in the field below the STOCK NBR label on the appropriate line in Requisition Item Table 46 shown on Requisition management data screen 110. In the sample Requisition Management data screen 110 shown in Appendix II, the part number 13246818F has been entered in the STOCK NBR field of Line 001. Once the user has entered such information at least partially describing a desired item on Requisition Management data screen 110, he or she may wish to initiate a search of catalog database 36 to find all the part numbers contained in catalog database 36 that match the part number entered or other information on Requisition Management screen 110. If so, the user enters the letter "S" (for "Select") on the line number of the item that he or she wishes to search in catalog database 36. The letter "S" has been entered to the left of line 001 on the sample Requisition Management data screen 110 shown in Appendix II. Any number of items, or no items, listed on Requisition Management data screen 110 may be marked with "S." A user may not always have information relating to the catalog or part number for the particular items that are to be requisitioned using Fisher RIMS system 40. Or, the user may have relevant

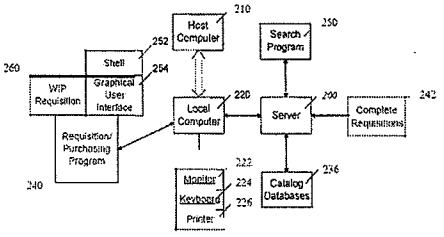
Claim 1, Element B: Means For Entering Product Information That at Least Partially Describes at Least One Desired Item

Corresponding structure:	Specification Support:	Text from Patent:
		information about an item from a particular vendor but may wish to locate information about the same or a similar product available from other vendors. Or, the user may simply know the name of the item that he or she wishes to requisition. In any of these cases, the user alternatively or additionally could enter text at least partially describing the product to be requisitioned in the "DESC" field of Requisition Management data screen 110 (e.g., Appendix II).
	'172 Patent, Col. 12:6-28	If the user desires to do additional searching in catalog database 36 that is not connected to catalog or other items that have been listed on Requisition Management data screen 110 of Fisher RIMS system 40, he or she can click the box on footer bar of Shell 52 that is labelled "Search." Then, a Search screen comes up on monitor 22 of local computer 20. An exemplary Search screen is shown in Appendix VII. In this screen, the usual footer bar is visible in the background, but is not active. Using the Search screen, a user can search catalog database 36 by page, text description, part number (where the user has the further option to search by Fisher part number, for example if Fisher is to be the desired vendor), Vendor part number, vendor name (for vendors other than Fisher), or bulletin. Stock numbers specific to the customer can also be present in catalog database 36 and searched using the screen of Appendix VII. "Bulletin" refers to an additional vendor publication with detailed product information

Claim 1, Element B: Means For Entering Product Information That at Least Partially Describes at Least One Desired Item

Corresponding structure:	Specification Support:	Text from Patent:
		that may not be included in a vendor catalog. Searching for information contained in bulletins may be done by bulletin number, but only if bulletins have been made a part of catalog database 36. For purposes of this disclosure, bulletins when included in a catalog database are considered a type of catalog.
	'172 Patent, Col. 17: 44-47	Local computer 220 is provided with programs including requisition/purchasing program 240, Shell program 252 and a graphic user interface 254 (preferably EASEL Workbench program 254 for OS/2) for listing items.
	'172 Patent, Appendix VII	APPENDIX VII SEARCH Page: Search For: Part Number: OFisher OVendor OCarrier Vendor Name: Bulletin: HELP SEARCH CANCEL CLEAR USER DATA EXTENDED
	'172 Patent, Appendix VIII	APPENDIX VIII REQUISITION MANAGEMENT SCREEN FISHER SCIENTIFIC RDMS DATE: 07-29-94 TIME: 14:54:22 ACCT NBR.: 353 690 006 REQ NBR: 10 NBR 001 COMPco 1 REL NBR.: O LINE STOCK NBR. QTY UM PT STERM XREF SPL UNIT PRICE EXT PRICE 001 A151 1 EA 03 0.00 0.00 DESC: QTY AVAIL: 0 IDC: FSHR WHSE EOC 002 925400K PK 01 0.00 0.00 DESC: QTY AVAL: 49 LOC: WHSE: IIT 003 1934685181' EA 02 0.00 0.00 DESC: QTY AVAIL: 0 LOC: FSHR WHSE: EOC 004 A151-06 EA 06 100.00 100.00 DESC: ACETONE QTY AVAIL: 0 LOC: WHSE: IIT Iff BACKORDER WILL OCCUR 005 DESC: QTY AVAL: 0 LOC: WHSE: RESPONSE: KEY(S): 1 ITEM(S) PROCESSED ~F3:EXIT F6:SOURCE F7:BKWD F8:FWD F9:NEW ITM F10:NONCAT F11: CATALOG F12:CNCL 1B VI 25

Claim 1, Element B: Means For Entering Product Information That at Least Partially Describes at Least One Desired Item

Corresponding structure:	Specification Support:	Text from Patent:
	'172 Patent, FIG. 1B (graphical user interface 254)	 FIG. 1B
and structural equivalents thereof.		

Claim 1, Element B: Means For Entering Product Information That At Least Partially Describes At Least One Desired Item

The construction for this means-plus-function element is straightforward and simple. Indeed, again, the parties appear to agree with respect to much of the proper construction of this element, thereby confirming *e*Plus's approach to the means-plus-function elements.

Both parties agree on the function: "entering product information that at least partially describes at least one desired item." Weaver Dec., Ex. 2 at 11.

With respect to the corresponding structure, the specification clearly discloses that the computer is programmed with software that perform the steps of "receiving certain fields of entered information (*e.g.*, catalog number, part number, partial textual description, etc.) to at least partially describe at least one desired item; and structural equivalents thereof. *See* '172 Patent, Col. 7:66 – Col. 8:31.

Lawson's proposed construction is consistent. It requires "entering" "certain fields of information (*e.g.*, catalog number, part number, or partial text) that partially describe an item. And "entering search criteria … to be searched." Weaver Dec., Ex. 2 at 11.

The support for this algorithm is clearly set forth in the specification. For example, the data that may be passed between the requisition module and the search engine module may include multiple "fields" of information, including, "vendor name, vendor number, vendor part (catalog) number, product description, bid price, list price, key word, page number, quantity, unit, catalog text, and catalog images." *See* '172 Patent, Col. 6:4-18.

> Once the user has entered such information at least partially describing a desired item on Requisition Management data screen 110, he or she may wish to initiate a search of catalog database 36 to find all the part numbers contained in catalog database 36 that match the part number entered or other information on Requisition Management screen 110.

'172 Patent, Col. 7:66 - Col.8:31.

Indeed, "the user may simply know the name of the item that he or she wishes to requisition. In any of these cases, the user alternatively or additionally could enter text at least partially describing the product to be requisitioned...." *See* '172 Patent at *id.*

Appendices VII and VIII also support a construction for this means-plus-function element which permits a user to search fields of the catalog database based on entered product information that at least partially describes one desired item. They disclose the ability to enter "part numbers," "vendor names" or "desc[riptions]."

Accordingly, *e*Plus's construction of this element should be adopted.

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Function: searching for matching items that match the entered product information in the selected portions of the database

Corresponding structure:	Specification Support:	Text from Patent:
a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm which includes the steps of:		
(1) receiving the entered product information relating to item(s) to be searched;	'172 Patent, Col. 5:34 - 44	A typical data exchange may begin with requisition/purchasing system 40 (which, in the illustrated embodiment, is the Fisher RIMS system) requesting information from catalog database 36 via search program 50. Once a search by search program 50 has been completed, the selected information will be communicated to requisition/purchasing system 40 via interface 60. Alternatively, if the search of catalog database 36 is initiated from search program 50, the information selected from the search is returned to requisition/procurement system 40 via interface 60.
	'172 Patent, Col. 6: 4-18	The data passed by interface 60 preferably comprise all or a subset of the following twelve fields: vendor name, vendor number, vendor part (catalog) number, product description, bid price, list price, keyword, page number, quantity, unit, catalog text, and catalog images. Because of the amount of data for catalog images present in database 36 and viewed on monitor 22, these data are usually not

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		passed via interface 60. Any of the above-listed fields may be filled by requisition/purchasing system 40 prior to requesting a search of catalog database 36 by search program 50. However, requisition/purchasing system 40 is not required to pass any data to search program 50. If a field is not passed, that field will be filled with spaces. The fields that are filled with data will assist search program 50 in executing its first search against a specific catalog contained in catalog database 36.
	'172 Patent, Col. 7:66 - Col. 8:37	The user can next enter desired items and quantities for the requisition. Each desired item may be identified by entering its distributor catalog or part number, if known, in the field below the STOCK NBR label on the appropriate line in Requisition Item Table 46 shown on Requisition management data screen 110. In the sample Requisition Management data screen 110 shown in Appendix II, the part number 13246818F has been entered in the STOCK NBR field of Line 001. Once the user has entered such information at least partially describing a desired item on Requisition Management data screen 110, he or she may wish to initiate a search of catalog database 36 to find all the part numbers contained in catalog database 36 that match the part number entered or other information on Requisition Management screen 110. If so, the user enters the letter "S" (for "Select") on the line number of the item that he or she wishes to search in catalog

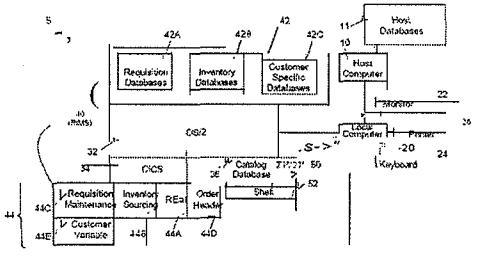
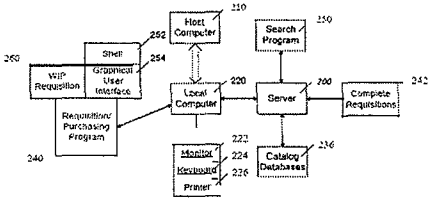
Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		database 36. The letter "S" has been entered to the left of line 001 on the sample Requisition Management data screen 110 shown in Appendix II. Any number of items, or no items, listed on Requisition Management data screen 110 may be marked with "S." A user may not always have information relating to the catalog or part number for the particular items that are to be requisitioned using Fisher RIMS system 40. Or, the user may have relevant information about an item from a particular vendor but may wish to locate information about the same or a similar product available from other vendors. Or, the user may simply know the name of the item that he or she wishes to requisition. In any of these cases, the user alternatively or additionally could enter text at least partially describing the product to be requisitioned in the "DESC" field of Requisition Management data screen 110 (e.g., Appendix II). Then, the user would initiate the electronic sourcing system 5 of the present invention to search the vendor product catalogs contained in catalog database 36. Alternatively, the user could initiate search program 50 of electronic sourcing system 5 without having first entered information in RIMS system 40 about the product to be requisitioned.
	'172 Patent, Col. 12:6-33	If the user desires to do additional searching in

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		catalog database 36 that is not connected to catalog or other items that have been listed on Requisition Management data screen 110 of Fisher RIMS system 40, he or she can click the box on footer bar of Shell 52 that is labelled "Search." Then, a Search screen comes up on monitor 22 of local computer 20. An exemplary Search screen is shown in Appendix VII. In this screen, the usual footer bar is visible in the background, but is not active. Using the Search screen, a user can search catalog database 36 by page, text description, part number (where the user has the further option to search by Fisher part number, for example if Fisher is to be the desired vendor), Vendor part number, vendor name (for vendors other than Fisher), or bulletin. Stock numbers specific to the customer can also be present in catalog database 36 and searched using the screen of Appendix VII. "Bulletin" refers to an additional vendor publication with detailed product information that may not be included in a vendor catalog. Searching for information contained in bulletins may be done by bulletin number, but only if bulletins have been made a part of catalog database 36. For purposes of this disclosure, bulletins when included in a catalog database are considered a type of catalog.

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		After the user has entered the field to be searched on the Search Screen, the user clicks on the "SEARCH" box near the bottom of the Search Screen. A Hit List 47 indicating all items from catalog database 36 that match the search field that was entered on the Search Screen then is generated.
	'172 Patent, FIG. 1A (Order Header 44D, Shell 52)	 FIG. 1A
	'172 Patent, FIG. 1B (Shell 252, graphical user interface 254, WIP Requisition 260)	 FIG. 1B

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
	'172 Patent, Appendix VII	APPENDIX VII SEARCH Page: Search For: Part Number: OFisher OVendor OCustomer Vendor Name: Bulletin: HELP SEARCH CANCEL CLEAR USER DATA EXTENDED
(2) communicating the entered product information to a search engine module;	'172 Patent, Col. 5: 24-37	As shown in FIGS. 1C and 2, interface 60 is also a part of electronic sourcing interface system 5. Interface 60 communicates shared data between requisition/purchasing system 40 and search program 50. Interface 60 is preferably based upon the dynamic data exchange ("DDE") protocol provided by OS/2 operating system 32. As shown in FIG. 2, interface 60 preferably includes three linking programs to interface requisition/purchasing system 40 and search program 50: ESRC program 70, ESCP program 80 and DDE LINK 90. A typical data exchange may begin with requisition/purchasing system 40 (which, in the illustrated embodiment, is the Fisher RIMS system) requesting information from catalog database 36 via search program 50.
	'172 Patent, Col. 6: 4-18	The data passed by interface 60 preferably comprise all or a subset of the following twelve fields: vendor name, vendor number, vendor part (catalog) number, product description, bid price,

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		list price, keyword, page number, quantity, unit, catalog text, and catalog images. Because of the amount of data for catalog images present in database 36 and viewed on monitor 22, these data are usually not passed via interface 60. Any of the above-listed fields may be filled by requisition/purchasing system 40 prior to requesting a search of catalog database 36 by search program 50. However, requisition/purchasing system 40 is not required to pass any data to search program 50. If a field is not passed, that field will be filled with spaces. The fields that are filled with data will assist search program 50 in executing its first search against a specific catalog contained in catalog database 36.
	'172 Patent, Col. 8: 38-Col. 9:12	Once the user has built or partially built Requisition Item Table 46 by filling the line numbers (entries) on Requisition Management data screen 110 and selecting those lines to be searched, he or she is now ready to initiate electronic sourcing system 5. Pressing the F11 function key, which is labelled "Catalog," from Requisition Management screen 110 accesses electronic sourcing system 5. Referring now to FIG. 2, after the user presses the F11 key on Requisition Management data screen 110 of Fisher RIMS system 40, Fisher RIMS

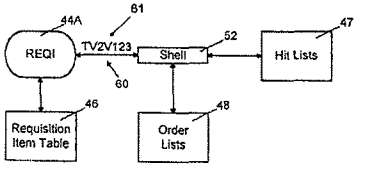
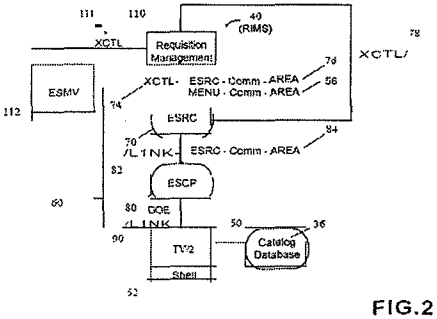
Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		system 40 will pass program control via XCTL 74 to ESRC program 70. XCTL 74 is a protocol within CICS application 34 that directs the execution of a program, as would readily be understood by one of ordinary skill in the art. As control is passed from REQI program 44A to ESRC program 70, ESRC-Comm-AREA data structure 76 is passed. ESRC-Comm-AREA is a layout of storage area in local computer 20 created by REQI program 44A to pass data to ESRC program 70, as would readily be understood by one of ordinary skill in the art. ESRC program 70 will then LINK 82 to ESCP program 80 with ESCP-Comm-AREA 84. LINK 82 is a protocol within CICS application 32 that directs the execution of a program, as would readily be understood by one of ordinary skill in the art. Data at least partially describing one item desired to be requisitioned is passed to ESCP program 80 via LINK 82. Thus, if there are five items to be passed to ESCP program 80, there will be five LINKS 82 made. If no items are to be passed to ESCP program 80, only one LINK 82 is made to ESCP program 80. ESCP program 80 can return up to twenty items per LINK 82; in other words, for each item desired to be requisitioned up to twenty desired catalog items contained in catalog database 36 may be sent to REQI program 44A and its associated Requisition Management data

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		screen 110 of Fisher RIMS system 40. If a user chooses to terminate the sourcing process, ESRC program 70 would return to REQI program 44A and its associated Requisition Management data screen 110 without processing any of the records. ESCP program 80 links with Shell 52 and TV/2 search program 50 via DDE LINK 90. Shell 52 and TV/2 search program 50 search in catalog database 36 for the item or items desired to be requisitioned that has or have been passed from ESRC program 70 to ESCP program 80.
	'172 Patent, Col. 5: 14-23	Host computer 10 and local computer 20 are preferably linked point-to-point or in a network employing the formats and protocols of IBM's System Network Architecture ("SNA"). Host computer 10 can be substantially any mainframe or minicomputer capable of running the desired programs and conducting the required communications. Preferably, host computer 10 is a mainframe computer, such as an IBM Model 3090, running the MVS operating system, the MVS-CICS application and a Virtual Telecommunication Access Method communications network.
	'172 Patent, Col. 17: 60-63	For this purpose, each local computer is connected to host computer 210 via a phone/dataline and either a gateway or a minicomputer acting as a local host.

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
	'172 Patent, FIG. 1C (link 60)	 FIG. 1C
	'172 Patent, FIG. 2 (link 60)	 FIG.2
(3) querying certain fields of the item data to locate item records in the selected portions of the database matching the entered product information; and	'172 Patent, Col. 9:33-40	If the user has marked an item on Requisition Management data screen 110 with the designation "S," the entered data at least partially describing that item will be sent to Shell 52 and TV/2 search program 50A in the manner described above. TV/2 search program 50 will search catalog database 36 for all items that match the search field sent over from REQI program 44A and Requisition Management data screen 110.
	'172 Patent, Col. 9:9-20	Shell 52 and TV/2 search program 50 search in

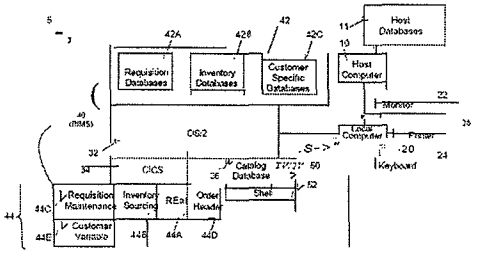
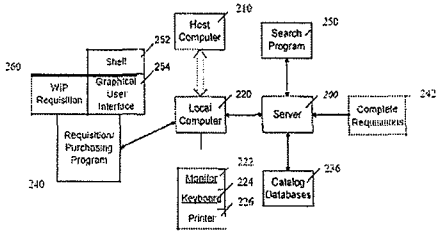
Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		catalog database 36 for the item or items desired to be requisitioned that has or have been passed from ESRC program 70 to ESCP program 80. Catalog database 36 contains the following fields: vendor name, vendor number, vendor part (catalog) number, product description, list price, page number, quantity, unit, catalog text, and catalog images. Shell 52 and TV/2 search program 50 may, if desired, search the keyword field or any other field shown in Appendix VII. However, not all fields may appear on the monitor 22 of local computer 20, although they are stored in memory.
	'172 Patent, Col. 12: 6-33	If the user desires to do additional searching in catalog database 36 that is not connected to catalog or other items that have been listed on Requisition Management data screen 110 of Fisher RIMS system 40, he or she can click the box on footer bar of Shell 52 that is labelled "Search." Then, a Search screen comes up on monitor 22 of local computer 20. An exemplary Search screen is shown in Appendix VII. In this screen, the usual footer bar is visible in the background, but is not active. Using the Search screen, a user can search catalog database 36 by page, text description, part number (where the user has the further option to search by Fisher part number, for example if Fisher is to be

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		the desired vendor), Vendor part number, vendor name (for vendors other than Fisher), or bulletin. Stock numbers specific to the customer can also be present in catalog database 36 and searched using the screen of Appendix VII. "Bulletin" refers to an additional vendor publication with detailed product information that may not be included in a vendor catalog. Searching for information contained in bulletins may be done by bulletin number, but only if bulletins have been made a part of catalog database 36. For purposes of this disclosure, bulletins when included in a catalog database are considered a type of catalog. After the user has entered the field to be searched on the Search Screen, the user clicks on the "SEARCH" box near the bottom of the Search Screen. A Hit List 47 indicating all items from catalog database 36 that match the search field that was entered on the Search Screen then is generated.

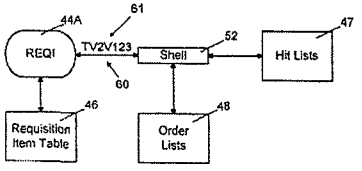
Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
	'172 Patent, FIG. 1A (TV/2 50, Shell 52, Database 36)	 FIG. 1A
	'172 Patent, FIG. 1B (Shell 252, Graphical User Interface 254, Search Program 250, Catalog Databases 236)	 FIG. 1B
	'172 Patent, Col. 4: 10-14	Preferably but not necessarily, the Technical Viewer 2 search program ("TV/2"), available from IBM, is used as search program 50. As shown in the embodiment of FIG. 1A, Fisher RIMS 40 and TV/2 search program 50 are run by local computer 20.
	'172 Patent, Col. 6: 39-43	The following description illustrates the use of the Fisher RIMS system as requisition/purchasing system 40, and the TV/2 search program as search program 50. However, it will be understood that

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		the present invention is not limited to such system or program.
	'172 Patent, Col. 6:19-27	A search priority exists when more than one field is provided by requisition/purchasing system 40. The priority is as follows: (1) part (catalog) number; (2) keyword; and (3) page number. The search will start with priority (1) and proceed through priority (3) in sequence until a search produces products matching the search criteria. At that time, the search will return the matching product information to requisition/purchasing system 40 and stop at the highest priority resulting in a match.
(4) outputting a hit list of items matching the entered product information;	'172 Patent, Col. 9: 40-54	When a search is performed in Shell 52 and search program 50, a Hit List 47 is produced, as indicated in FIG. 1C. The user would see on monitor 22 of local computer 20 a Hit List 47 screen representing limited data about all matching catalog items that were located in catalog database 36 as a result of the search. A sample Hit List 47 produced from a search initiated when the entry "OVENS" is received as the description or keyword by search program 50 from Requisition Item Table 46 is shown in Appendix III. Similar Hit Lists 47 are produced when various searches are performed from the Search Input screen shown in Appendix VII. When a Hit List 47 is depicted on monitor 22, the underlying catalog text and pictures (in either partial or complete form) are

Claim 1, Element C: Means For Searching For Matching Items That Match the Entered Product Information in the Selected Portions of the Database

Corresponding structure:	Specification Support:	Text from Patent:
		typically collected in a memory location for rapid viewing, printing or other use.
	'172 Patent, Appendix III	APPENDIX III ovens General (1106)Fisher Isotemp 800 Series Programmable Ovens (1107)Isotemp 700 Series Deluxe Lab Ovens (1108)Isotemp 600 Standard Lab Ovens (1109)Fisher Isotemp 500 Series Economy Lab Ovens (1110)Gravity Convection Ovens (1111)Utility Ovens (1112)Mechanical Convection Ovens with Electronic Temperature (1113)General-Purpose Ovens (1114)Heavy Duty Deluxe Ovens (1116)Large Capacity Model 2882A (1117)Standard Capacity Model 281A (1118)Fisher Models 280 and 285 Vacuum Ovens (1119)NAPCO Vacuum Ovens Help Catalogs Search Order List Minimize Clear Prev Next Exit
	'172 Patent, Col. 12:29-33	After the user has entered the field to be searched on the Search Screen, the user clicks on the "SEARCH" box near the bottom of the Search Screen. A Hit List 47 indicating all items from catalog database 36 that match the search field that was entered on the Search Screen then is generated.
	'172 Patent, FIG. 1C	 FIG. 1C
and structural equivalents thereof.		

Claim 1, Element C: Means For Searching For Matching Items That Match He Entered Product Information In The Selected Portions Of The Database

This claim element is similar to Element C of Claim 3 of the '683 Patent and Element B of Claim 6 of the '683 Patent except that the search is conducted "in the selected portions of the database" rather than "among the selected product catalogs" or "in the database" and, in addition, the claim requires that the search be conducted for items "that match the entered product information." Therefore, the algorithm associated with this claim element is similar to the algorithms associated with Element C of Claim 3 and Element B of Claim 6. It is again a four-step algorithm. The algorithm includes the following steps:

> (1) receiving the entered product information relating to item(s) to be searched; (2) communicating the entered product information to a search engine module; (3) querying certain fields of the item data to locate item records in the selected portions of the database matching the entered product information; and (4) outputting a hit list of items matching the entered product information; and structural equivalents thereof.

The distinctions between this algorithm and those associated with Element C of Claim 3 and Element B of Claim 6 relate to the differences in language of the recited functions. Since the claim element requires that the search be conducted for items that "match the entered product information," the steps of the algorithm reference "entered product information" rather than "search criteria." And, since the function of this claim element recites that the search engine module conduct the search for matching items "in the selected portions of the database," step 3 recites this. Otherwise, the same reasoning applies as that discussed above with respect to Element C of Claim 3 of the '683 Patent.

In addition, for the reasons discussed above with respect to Element C of Claim 3 of the '683 Patent, the algorithm associated with Element C of Claim 1 of the '172 Patent does not

include a step of "searching local RIMS databases (42) based on search criteria, and if found, search is complete." As discussed above, the search engine module never searches the RIMS databases.

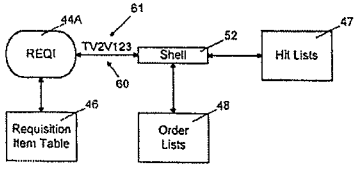
Moreover, for the reasons discussed above with respect to Element C of Claim 3 of the '683 Patent, the algorithm associated with this claim element does not include a step of "concatenating … only selected product catalogs to be searched after the user selects the catalogs to be searched." In addition, such a step is inconsistent with the language of Element C of Claim 1 which only requires that the "means for searching" search for matching items "in the selected portions of the database." There is no prior selection of one or more product catalogs required to satisfy claim 1 of the '172 Patent. There is no need for a concatenation step in such circumstance. Weaver Dec., ¶ 70.

Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Function: generating an order list that includes at least one matching item selected by a search engine program

Corresponding structure:	Specification Support:	Text from Patent:
a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of:		
(1) displaying a hit list of results of a search corresponding to items matching the entered product information;	'172 Patent, Col. 9:40-54	When a search is performed in Shell 52 and search program 50, a Hit List 47 is produced, as indicated in FIG. 1C. The user would see on monitor 22 of local computer 20 a Hit List 47 screen representing limited data about all matching catalog items that were located in catalog database 36 as a result of the search. A sample Hit List 47 produced from a search initiated when the entry "OVENS" is received as the description or keyword by search program 50 from Requisition Item Table 46 is shown in Appendix III. Similar Hit Lists 47 are produced when various searches are performed from the Search Input screen shown in Appendix VII. When a Hit List 47 is depicted on monitor 22, the underlying catalog text and pictures (in either partial or complete form) are typically collected in a memory location for rapid viewing, printing or other use.

Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Corresponding structure:	Specification Support:	Text from Patent:
	'172 Patent, Appendix III	APPENDIX III ovens General {1106}Fisher Isotemp 800 Series Programmable Ovens {1107}Isotemp 700 Series Deluxe Lab Ovens {1108}Isotemp 600 Standard Lab Ovens {1109}Fisher Isotemp 500 Series Economy Lab Ovens {1110}Gravity Convection Ovens {1111}Utility Ovens {1112}Mechanical Convection Ovens with Electronic Temperature {1113}General-Purpose Ovens {1114}Heavy Duty Deluxe Ovens {1116}Large Capacity Model 2882A {1117}Standard Capacity Model 281A {1118}Fisher Models 280 and 285 Vacuum Ovens {1119}NAPCO Vacuum Ovens Help Catalogs Search Order List Minimize Clear Prev Next Exit
	'172 Patent, Col. 12:29-33	After the user has entered the field to be searched on the Search Screen, the user clicks on the "SEARCH" box near the bottom of the Search Screen. A Hit List 47 indicating all items from catalog database 36 that match the search field that was entered on the Search Screen then is generated.
	'172 Patent, FIG. 1C	 FIG. 1C
(2) selecting one or more items from the hit list for inclusion in an order list; and	'172 Patent, Col. 10:22-44	Once Hit List 47 has been created by TV/2 search program 50, the user can view it and select particular ones of the located catalog items for Order List 48 that is being created in Shell 52, as shown in FIG. 1C. For example, a search for "Eco RI," a restriction enzyme, may have uncovered five entries in the

Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Corresponding structure:	Specification Support:	Text from Patent:
		Promega catalog (identified by Promega catalog numbers R6011, R6012, R6013, R6015 and R401) and five entries in the Fisher catalog (identified by Fisher catalog numbers PRR6011, PRR6012, PRR6013, PRR6015 and PRR4014). If the user selected PRR6012 from the Fisher catalog, Fisher catalog number PRR6012 would be added as an entry to the Items Selected screen, with VN0000001 (identifying the vendor as distributor Fisher) accompanying it in the Order List 48. If the user instead selected the item identified by catalog number R6012 from the Promega catalog, then Promega catalog number R6012 would be added as an entry to the Items Selected screen, with VN00005860 (identifying the vendor as Promega) accompanying it in the Order List. In either case, the information transmitted to REQI program 44A of Fisher RIMS system 40 would also include description, list price and other information taken from the catalog database from which the selection was made.
	'172 Patent, Col. 11:32- Col 12:2	When in search program 50, particular items selected can be added to an Order List 48 pending in Shell 52 and search program 50. When the Ordering portion of catalog text is viewed (as in Appendix V), particular items can be selected so as to be added to the Order List 48 by double clicking on the highlighted catalog number (even if a different field was also highlighted as a result of a search of catalog database 36). The item is then added to an Order List

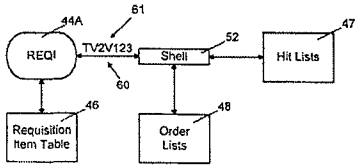
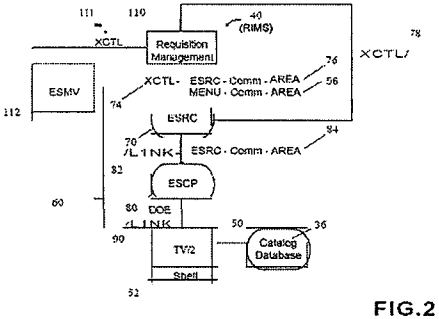
Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Corresponding structure:	Specification Support:	Text from Patent:
		48 that is created in Shell 52 via a hypertext link. The items that are sent to the Order List 48 are collected and shown on the Items Selected screen of Shell 52. An example of an Items Selected screen of Shell 52 is shown in Appendix VI. The Items Selected screen depicts certain fields of Order List 48 that can be viewed and edited within search program 50. For example, Shell 52 permits the user via a pop-up window (not shown) to select units, e.g. pack or case, and quantity to be ordered, e.g. two packs. Alternatively, the data in these fields can default to one of the smallest unit and the units can be changed when the order is reviewed in REQI program 44A. Additional fields on the same items are also present in memory at this stage. Upon clicking on "Order" when the Items Selected screen (Appendix VI) is viewed, many or all of these fields on the items in the Order List are transmitted back to REQI program 44A (via the programs of interface 60 shown in FIG. 2) to be added to the pending Requisition Item Table 46. The sample Items Selected screen shown in Appendix VI includes the Isotemp Oven with catalog number 1324818F that was located as a result of the search for all items in catalog database 36 that match the part number 13246818F that was entered in the STOCK NBR field of REQI program 44A and its associated Requisition Management data screen 110 of Fisher RIMS system 40.

Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Corresponding structure:	Specification Support:	Text from Patent:
		The following fields are transferred to Order List 48 created in TV/2 search program 50: Vendor name, vendor number, vendor part (catalog) number, product description, list price, page number, quantity, unit and catalog text. However, not all of these fields are viewed on the Items Selected screen.
	'172 Patent, Col. 12: 34-51	Then, in a manner similar to that described previously, the user can scroll through the Hit List 47 and double click on the catalog page or panel desired. The user may then also view the detailed information located on the catalog page that was selected from the Hit List 47. During the search, the user may also add additional items to the Order List 48 being built in Shell 52 if desired, whether those additional items had been selected from the Hit List 47 or not. The Order List that the user has built in Shell 52 is maintained on the Items Selected screen, shown in Appendix VI. From the Items Selected screen, the user can cancel the order by clicking on the "Cancel" box at the bottom of the screen, delete an item from the Order List 48 by moving the pointer bar to the item to be deleted and then clicking on the "Delete" box at the bottom of the screen, or delete all items by clicking on the "Delete All" box. The user can also view catalog text and images for a particular item by clicking on the "Description" box.

Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Corresponding structure:	Specification Support:	Text from Patent:
	'172 Patent, Appendix VI	APPENDIX VI ITEMS SELECTED Part Number / Description / List Price 13246818F ISOTEMP OVEN MDL#18F 230 V 3495.00 Help Cancel Delete Delete All Order Description
	'172 Patent, FIG. 1C	 FIG. 1C
	'172 Patent, FIG. 2	 FIG.2
(3) generating an order list containing data related to the selected matching items;	'172 Patent, Col. 10: 22- 44	Once Hit List 47 has been created by TV/2 search program 50, the user can view it and select particular ones of the located catalog items for Order List 48

Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Corresponding structure:	Specification Support:	Text from Patent:
		that is being created in Shell 52, as shown in FIG. 1C. For example, a search for "Eco RI," a restriction enzyme, may have uncovered five entries in the Promega catalog (identified by Promega catalog numbers R6011, R6012, R6013, R6015 and R401) and five entries in the Fisher catalog (identified by Fisher catalog numbers PRR6011, PRR6012, PRR6013, PRR6015 and PRR4014). If the user selected PRR6012 from the Fisher catalog, Fisher catalog number PRR6012 would be added as an entry to the Items Selected screen, with VN0000001 (identifying the vendor as distributor Fisher) accompanying it in the Order List 48. If the user instead selected the item identified by catalog number R6012 from the Promega catalog, then Promega catalog number R6012 would be added as an entry to the Items Selected screen, with VN00005860 (identifying the vendor as Promega) accompanying it in the Order List. In either case, the information transmitted to REQI program 44A of Fisher RIMS system 40 would also include description, list price and other information taken from the catalog database from which the selection was made.
	'172 Patent, Col. 11:32- Col 12:2	When in search program 50, particular items selected can be added to an Order List 48 pending in Shell 52 and search program 50. When the Ordering portion of catalog text is viewed (as in Appendix V), particular items can be selected so as to be added to the Order List 48 by double clicking on the

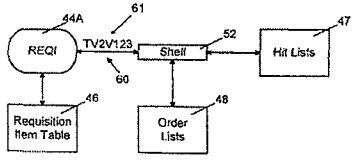
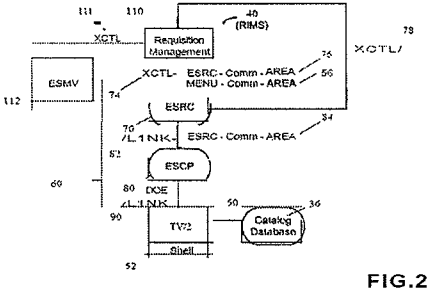
Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Corresponding structure:	Specification Support:	Text from Patent:
		highlighted catalog number (even if a different field was also highlighted as a result of a search of catalog database 36). The item is then added to an Order List 48 that is created in Shell 52 via a hypertext link. The items that are sent to the Order List 48 are collected and shown on the Items Selected screen of Shell 52. An example of an Items Selected screen of Shell 52 is shown in Appendix VI. The Items Selected screen depicts certain fields of Order List 48 that can be viewed and edited within search program 50. For example, Shell 52 permits the user via a pop-up window (not shown) to select units, e.g. pack or case, and quantity to be ordered, e.g. two packs. Alternatively, the data in these fields can default to one of the smallest unit and the units can be changed when the order is reviewed in REQI program 44A. Additional fields on the same items are also present in memory at this stage. Upon clicking on "Order" when the Items Selected screen (Appendix VI) is viewed, many or all of these fields on the items in the Order List are transmitted back to REQI program 44A (via the programs of interface 60 shown in FIG. 2) to be added to the pending Requisition Item Table 46. The sample Items Selected screen shown in Appendix VI includes the Isotemp Oven with catalog number 1324818F that was located as a result of the search for all items in catalog database 36 that match the part number 13246818F that was entered in the STOCK NBR field of REQI program 44A and its associated

Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Corresponding structure:	Specification Support:	Text from Patent:
		Requisition Management data screen 110 of Fisher RIMS system 40. The following fields are transferred to Order List 48 created in TV/2 search program 50: Vendor name, vendor number, vendor part (catalog) number, product description, list price, page number, quantity, unit and catalog text. However, not all of these fields are viewed on the Items Selected screen.
	'172 Patent, Col. 12:34-51	Then, in a manner similar to that described previously, the user can scroll through the Hit List 47 and double click on the catalog page or panel desired. The user may then also view the detailed information located on the catalog page that was selected from the Hit List 47. During the search, the user may also add additional items to the Order List 48 being built in Shell 52 if desired, whether those additional items had been selected from the Hit List 47 or not. The Order List that the user has built in Shell 52 is maintained on the Items Selected screen, shown in Appendix VI. From the Items Selected screen, the user can cancel the order by clicking on the "Cancel" box at the bottom of the screen, delete an item from the Order List 48 by moving the pointer bar to the item to be deleted and then clicking on the "Delete" box at the bottom of the screen, or delete all items by clicking on the "Delete All" box. The user can also view catalog text and images for a particular item by

Claim 1, Element D: Means For Generating an Order List that Includes at Least One Matching Item Selected by Said Means for Searching

Corresponding structure:	Specification Support:	Text from Patent:
		clicking on the "Description" box.
	'172 Patent, Appendix VI	APPENDIX VI ITEMS SELECTED Part Number — Description — List Price 13246813F — ISOTEMP OVEN MDL813F 230 V — 3495.00 Help Cancel Delete Delete All Order Description
	'172 Patent, FIG. 1C	 FIG. 1C
	'172 Patent, FIG. 2	 FIG.2
and structural equivalents thereof.		

Claim 1, Element D: Means For Generating An Order List That Includes At Least One Matching Item Selected By Said Means For Searching

Again, the parties agree on the function for this means-plus-function element: generating an order list that includes at least one matching item selected by said means for searching.

Further, the parties are fairly consistent with regard to the corresponding structure for this element. Both parties agree that the first step to perform this task includes: (1) displaying a hit list of results of the search; both parties agree that the algorithm discloses: (2) selecting one or more items from the hit list to be requisitioned ("for inclusion in an order list"); and both parties agree that the algorithm includes (3) generating an order list containing data related to the selecting matching items. *See* Weaver Dec., Ex. 2 at 13-14.

Reduced to its essence, therefore, this is a 3-step algorithm. It is no more complicated than that.

Support for this algorithm can be found in the '172 Patent, Col. 9:40-54, Col. 10:22-44 and Col. 11:32 – Col. 12:2.

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 2010, the foregoing PLAINTIFF *e*PLUS INC.'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF ITS CONSTRUCTION OF CERTAIN MEANS-PLUS-FUNCTION CLAIM ELEMENTS was electronically filed with the Clerk of the Court using the CM/EFC system, which will then send a notification of such filing (NEF) to counsel of record. Copies of the foregoing were also served on the following:

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